

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROY O'GUINN,

Plaintiff,

v.

ISIDRO BACA, *et al.*,

Defendants.

Case No. 3:18-cv-00469-MMD-WGC

ORDER

This action is a *pro se* civil rights action filed pursuant to 42 U.S.C. § 1983 by a state prisoner. The Court stayed this case and entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 22, 27, 28). A mediation session was held on April 21, 2021, and no settlement was reached. (ECF No. 29). Therefore, this case shall return to the normal litigation track.

For the foregoing reasons, **IT IS ORDERED** that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's First Amended Complaint (ECF No. 10) on the Office of the Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

3. Subject to this Court's order upon remand (ECF No. 22), within twenty-one (21) days of the date of entry of this order, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts

1 service; (b) the names of the defendants for whom it does not accept service, and (c) the  
2 names of the defendants for whom it is filing the last-known-address information under  
3 seal. As to any of the named defendants for whom the Attorney General's Office cannot  
4 accept service, the Office shall file, under seal, but shall not serve the inmate Plaintiff the  
5 last known address(es) of those defendant(s) for whom it has such information. If the last  
6 known address of the defendant(s) is a post office box, the Attorney General's Office shall  
7 attempt to obtain and provide the last known physical address(es).

8 4. If service cannot be accepted for any of the named defendant(s), Plaintiff  
9 shall file a motion identifying the unserved defendant(s), requesting issuance of a  
10 summons, and specifying a full name and address for the defendant(s). For the  
11 defendant(s) as to which the Attorney General has not provided last-known-address  
12 information, Plaintiff shall provide the full name and address for the defendant(s).

13 5. If the Attorney General accepts service of process for any named  
14 defendant(s), such defendant(s) shall file and serve an answer or other response to the  
15 complaint within sixty (60) days from the date of this order.

16 6. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has  
17 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other  
18 document submitted for consideration by the Court. Plaintiff shall include with the original  
19 document submitted for filing a certificate stating the date that a true and correct copy of  
20 the document was mailed or electronically filed to the defendants or counsel for the  
21 defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service  
22 to the individual attorney named in the notice of appearance, at the physical or electronic  
23 address stated therein. The Court may disregard any document received by a district  
24 judge or magistrate judge which has not been filed with the Clerk, and any document  
25 received by a district judge, magistrate judge, or the Clerk which fails to include a  
26 certificate showing proper service.

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1           7.     This case is no longer stayed.

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3           DATED: April 26, 2021.

4                                 *William G. Cobb*  
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6                                 UNITED STATES MAGISTRATE JUDGE  
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